

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ITUNU SOFIDIYA,
Plaintiff,

v.

TEXAS SOUTHERN UNIVERSITY AND
THURGOOD MARSHALL
SCHOOL OF LAW,
Defendants.

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Civil Action No: 4:19-cv-2221

DEFENDANTS' NOTICE OF REMOVAL

NOW COMES Defendants Texas Southern University and Thurgood Marshall School of Law (“Defendants”), and respectfully show that:

1. **Removal Provision:** This removal is pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. §1337(a). Plaintiff Itunu Sofidiya asserts federal claims under 42 U.S.C. § 2000e *et seq.* for gender discrimination, retaliation, and hostile working environment, and the federal Equal Pay Act, which invokes this Court’s federal-question jurisdiction. *See* Plaintiff’s Original Petition and Request for Disclosure at ¶¶ 16, 18, 21, 24.

2. **State Action:** This action was initially filed in the 190th Judicial District Court of Harris County, Texas, on April 16, 2019, in Cause No. 2019-26904. Plaintiff is Itunu Sofidiya. Defendants are Texas Southern University and Thurgood Marshall School of Law. Defendants have been served with this lawsuit. Defendants filed their Original Answer and Affirmative Defenses in state court on June 17, 2019. Venue is proper in the United States District Court for the Southern District of Texas, Houston Division.

3. **Nature of the Lawsuit:** Plaintiff Itunu Sofidiya alleges that Defendants violated the Texas and Equal Pay Act, and as a direct result of Defendants' discriminatory gender-based pay differences, suffered gender discrimination in violation of Title VII of the Civil Rights Act of 1964. *See* Plaintiff's Original Petition at ¶¶ 16, 18, 21, 24. Plaintiff further alleges retaliation with the threat of firing her for demanding equal wages, benefits and rights for herself and other women during her employment at Texas Southern University, ending in 2018 with her constructive discharge. *See* Plaintiff's Original Petition at ¶ 21, 24.

4. **Jury Demand:** Plaintiff requested a trial by jury in her Original Petition and Request for Disclosure.

5. **Removal Requirements of 28 U.S.C. §1441:** This action is a civil action raising a federal question of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendants, pursuant to the provisions of 28 U.S.C. § 1441 (a). This action also appears to raise a state-law claim which this Court has supplemental jurisdiction under 28 U.S.C. § 1337(a). *See* Plaintiff's Original Petition at ¶ 16 (noting that Plaintiff is "asserting rights under the Texas and Equal Pay Act").

6. **Compliance with Deadline:** Defendants were served with the Original Petition and Request for Disclosure on May 21, 2019. Defendants file this notice of removal within the 30-day time required by 28 U.S.C. 1446(b). *See Bd. Of Regents of Univ. of Tex Sys v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274 (5th Cir. 2007). Therefore, this removal is timely.

8. **State Court Pleadings:** Defendants are filing concurrently with this notice, as required by Local Rules and 28 U.S.C. § 1446(a), a true and correct copy of all process and pleadings served upon Defendants in the state court action.

ACCORDINGLY, Defendants pray that this cause be removed to the United States District Court Southern District of Texas, Houston Division, pursuant to 28 U.S.C. § 1441.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been served through CM/ECF filing and certified mail, return receipt requested, on June 20, 2019, to the following:

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